

Name Robert J. McGahanAddress 601 S. Figueroa Street, 41st FloorCity, State, Zip Los Angeles, CA 90017Phone (213) 426-2500Fax (213) 623-1673E-Mail rmcgahan@goodwinprocter.com☐ FPD ☐ Appointed ☐ CJA ☐ Pro Per ☒ Retained**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WHAM-O, INC.,

PLAINTIFF(S),

v.

MANLEY TOYS, LTD., and AW COMPUTER HOLDINGS LLC

DEFENDANT(S).

CASE NUMBER:

No. CV 08-07830 CBM (SSx)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Wham-O, Inc. *Name of Appellant* hereby appeals to
the United States Court of Appeals for the Ninth Circuit from:

Criminal Matter

- ☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]
☐ Conviction and Sentence
☐ Sentence Only (18 U.S.C. 3742)
☐ Pursuant to F.R.Cr.P. 32(j)(2)
☐ Interlocutory Appeals
☐ Sentence imposed:

Civil Matter

- ☒ Order (specify): Granting Defendants' Motions to Dismiss, Denying Defendants' Motions to Strike, and Denying Defendants' Requests for Judicial Notice
☐ Judgment (specify):
☐ Other (specify):

☐ Bail status:

Imposed or Filed on August 13, 2009 . Entered on the docket in this action on August 13, 2009.

A copy of said judgment or order is attached hereto.

August 20, 2009

Date

/s/ Robert J. McGahan

Signature

☐ Appellant/ProSe ☒ Counsel for Appellant ☐ Deputy Clerk

Note: The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 601 S. Figueroa St., 41st Floor, Los Angeles, California 90017.

On August 20, 2009, I caused to be personally served and emailed served

NOTICE OF APPEAL

on the party(ies) addressed on the attached Service List:

☐ **BY (MAIL)** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

☒ **BY (CM/ECF ELECTRONIC FILING)** I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."

☐ **BY (EXPRESS MAIL)** I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing Express Mail for mailing. On the same day that Express Mail is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail.

1 ☐ **BY (OVERNIGHT DELIVERY)** I deposited in a box or other facility
 2 regularly maintained by Federal Express , an express service carrier, or
 3 delivered to a courier or driver authorized by said express service carrier to
 4 receive documents, a true copy of the foregoing document in sealed
 5 envelopes or packages designated by the express service carrier, addressed
 as stated above, with fees for overnight delivery paid or provided for.

6 ☐ **BY (MESSENGER SERVICE)** I served the documents by placing them
 7 in an envelope or package addressed to the persons at the addresses listed
 8 and provided them to a professional messenger service for service. A
 9 separate Personal Proof of Service provided by the professional messenger
 service will be filed under separate cover.

10 ☐ **BY (FACSIMILE)** Based on an agreement of the parties to accept service
 11 by fax transmission, I faxed the documents to the persons at the fax
 12 numbers listed. No error was reported by the fax machine that I used. A
 13 copy of the record of the fax transmission, which I printed out, is attached.

14 ☐ **BY (E-MAIL or ELECTRONIC TRANSMISSION)** Based on a court
 15 order or an agreement of the parties to accept service by e-mail or
 16 electronic transmission, I caused the documents to be sent to the persons at
 17 the e-mail addresses listed. I did not receive, within a reasonable time after
 18 the transmission, any electronic message or other indication that the
 transmission was unsuccessful.

19
 20 I declare under penalty of perjury that I am employed in the office of a member
 21 of the bar of this Court at whose direction this service was made and that the
 22 foregoing is true and correct.

23 Executed on August 20, 2009 at **Los Angeles**, California.

24
 25 **Robert J. McGahan**
 (Type or print name)

/s/ Robert J. McGahan
 (Signature)

SERVICE LIST

WHAM-O, INC. v. MANLEY TOYS, LTD. and AW COMPUTER HOLDINGS LLC

United States District Court of California

Case No. CV08-7830 CBM (SSx)

Rod S. Berman

rberman@jmbm.com

Brian W. Kasell

bkasell@jmbm.com

Jessica C. Bromall

jbromall@jmbm.com

JEFFER, MANGELS, BUTLER &

MARMARO LLP

1900 Avenue of the Stars, Seventh Floor

Los Angeles, CA 90067-4308

Tel: (310) 203-8080

Fax: (310) 203-0567

Attorneys for Defendant

**AW COMPUTER HOLDINGS
LLC; MANLEY TOYS, LTD.**